4940

SUPREME COURT OF THE UNITED STATES.

No. 243.

THE UNITED STATES, APP'TS,

vs.

ANTONIO SUNOL ET. AL.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

Be it remembered, that on this eighteenth day of May, anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Antonio Suñol et al., for the place named "El Vallé de San José," was presented, and ordered to be filed and docketed with No. 231, and is as follows, to wit:

(Vide page 3 of this transcript.)

Upon which petition the following subsequent proceedings were had, in their chronological order, to wit:

SAN FRANCISCO, *January* 17, 1853.

In case No. 231, Antonio Suñol et al., for the place named "El Valle de San José," the deposition of Antonio Maria Pico, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, with document marked H. H., No. 2, with translation thereof annexed thereto, was filed.

(Vide page 4 of this transcript.)

In the same case the deposition of Manuel Jimeno, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, with document marked H. H., No. 1, annexed thereto, was filed:

(Vide page 5 of this transcript.)

SAN FRANCISCO, *September* 21*st*, 1853.

Case No. 231 called. The counsel for the claimant read the evidence; argued, submitted, and taken under advisement.

SAN FRANCISCO, *January* 31*st*, 1854.

In the same case Commissioner Thompson Campbell delivered the opinion of the board confirming the claim.

(Vide page 40 of this transcript.)

Petition.

To the commissioners appointed to ascertain and settle private land claims in the State of California:

Antonio Suñol, Agustin Bernal, and Juan Bernal, citizens of

California, herewith submit and pray the confirmation of their title to the tract of land lying in the county of Contra Costa, known by the name of El Valle de San José, which was granted on the 10th day of April, 1839, by Juan B. Alvarado, then Governor of California, acting under authority of the laws then in force, to Antonio Maria Pico, and the petitioners, and the interest of said Pico, in which was assigned and conveyed by him to the petitioner, Antonio Suñol, on the 6th December, 1842, and by him to the petitioner, Juan Bernal, on the 10th November, 1849.

The said tract of landbeing described in the grant by natural boundaries, the quantity is not stated. It is supposed to contain eleven leagues, more or less.

The petitioners know of no claim of any other person to any portion of this land.

In support of their claim they refer to the espediente and grant, copies of which and a translation thereof was filed, and such other evidence as they may hereafter offer.

A. P. CRITTENDEN,
Att'y for Petitioners.

Filed in office, May 18th, 1852.

GEO. FISHER, *Sec'y.*

Deposition of Ant'o M'a Pico.

SAN FRANCISCO, *January 17th*, 1853.

On this day, before Commissioner Hiland Hall, came Antonio Maria Pico, a witness on behalf of the claimants, Antonio Suñol, petition No. 230, and was duly sworn, his evidence being interpreted by the secretary.

The U. S. associate law agent was present.

Questions by claimant.

Interrogatory 1. What is your name, age, and place of residence? If you say that you reside in California, state since when.

Answer. My name is Antonio Maria Pico; I am forty-four years of age; I was born in California, and have lived here all my life.

Interrogatory 2. Are you acquainted with the rancho called "El Valle de San José;" if yea, state where it is, when granted, and to whom?

Answer. I am acquainted with this rancho; it lies to the northward of the mission of San José, at a distance of about three miles, and is partly in the county of Contra Costa, and partly in the county of Santa Clara; it was granted about the year 1839, to Juan Bernal, Agustin Bernal, Antonio Suñol, and myself.

Interrogatory 3. Have you any interest now in this land, or in the claim to it?

Answer. None. I sold all my interest in the land to Don Antonio Suñol many years ago.

Interrogatory 4. Do you know anything of the occupation of the land, or of improvements made on it; if yea, state what you know?

Answer. Directly after the grant was made, within six months the grantees put a thousand head of cattle on the land, and built a house and corral on it, and commenced the cultivation of the land. The land has since ever been occupied by the grantees or some of them. Don Antonio Suñol, Juan Bernal, and Agustin Bernal have, each of them, built houses on the land since they first went on it, and since the first year; each of them has cultivated a portion. The stock of cattle originally put on the ranch by each of them has been greatly increased, and there is now on the ranch something like seven thousand head of cattle, and a number of horses and sheep. When they first went on the ranch they put up but one house, and cultivated land in the same vicinity, in order to keep together for protection against the Indians, who were very hostile. Frequent attacks were made upon them by the Indians, and it was necessary to go always armed.

Interrogatory 5. Examine the document now shown to you, and which will be attached to this deposition, marked exhibit No. 2, and say whether or not it is signed by you, and whether it was signed by Tomas Pacheco and the witnesses whose names are signed thereto, in your presence?

Answer. It was signed by me, and all the other persons whose signatures appear thereon in connexion with mine in my presence.

ANTONIO M'A PICO.

Sworn and subscribed before me.

HILAND HALL, *Commissioner.*

Filed in office January 17th, 1853.

GEO. FISHER, *Sec'y.*

Deposition of Manuel Jimeno.

SAN FRANCISCO, *January 17th*, 1853.

On this day, before Commissioner Hiland Hall, came Manuel Jimeno, a witness in behalf of the claimants, Antonio Suñol et al., petition No. 231, and was duly sworn—his evidence being interpreted by the secretary.

The U. S. associate law agent was present.

Question by claimant.

Interrogatory 1. What is your name, age, and place of residence?

If you say that you reside in California, state for how long a time you have resided here.

Answer. My name is Manuel Jimeno. I am forty-nine years of age. I reside in Monterey, California, and have resided there twenty-four years.

Interrogatory 2. Are you acquainted with the signature of Don Juan B. Alvarado, and how?

Answer. I am acquainted with his signature from having often seen him write.

Interrogatory 3. Look at the document now shown you, marked Exhibit No. 1, and which will be attached to your deposition, and say whether or not the signature of Alvarado, wherever it occurs in said document, is genuine, and also whether or not your own signature is genuine wherever it appears in said document.

Answer. I have examined the document referred to. The signature of Dn. Juan B. Alvarado and my own, wherever they occur, are genuine.

Interrogatory 4. What office in California did Dn. Juan B. Alvarado hold during the years 1839 and 1840, and what office did you hold during the same years?

Answer. Dn. Juan B. Alvarado was Governor of California, and I was his secretary.

Interrogatory 5. Are you acquainted with the signature of Francisco C. Arce? If yea, examine the certificate in said document which purports to be signed by him, and say whether or not it is genuine.

Answer. I am acquainted with his signature. The one referred to is genuine.

MAN'L JIMENO.

Sworn and subscribed before me,

HILAND HALL, *Commissioner.*

Filed in office January 17, 1853.

GEO. FISHER, *Sec'y.*

1 S. D. K.

Espediente sobre el parage nombrado El Valle, solicitado por Antonio M'a Pico, Agustin i Juan Bernal, y D'a M'a Dolores Bernal. 126.

2 S. D. K.

Sello tercero. [L. S.] Dos reales.

Para los años de mil ochocientos veinte y seis y ochocientos veinte y siete.

A. *Espediente.*

{Impression of stamps for the years 1828, 1829, on original.} {Impression of stamps for the years 1830 and 1831, on original} {Impression of stamps for the years 1832 and 1833, on original} {Impression of stamps for the years 1834 and 1835, on original}

SEÑOR GEFE SUP'R POLITICO.

Los cuidadanos Antonio M'a Pico, Agustin y Juan Bernal, y D'a

Maria Dolores Bernal, esposa del Español D. Antonio Suñol, previo el consentimiento de su esposo, ante V. S., con el debido respeto decimos. Que deseosos de formar una finca rustica con el mayor lustre posible, util no solo a los fundadores de ella sino a sus descendientes, y aun a todo el territorio, contando para verificarlo con los elementos necesarios, nos remos en el caso de pedir a V. S. los terrenos valdios nombrados el Valle, limitrofe con la mision de S. José, cuyo diseño acompañamos respetuosamente.

Aunque, a primera vista, parece que nuestro pedido es ecsesivo por la amplitud del lugar que pretendemos, no lo es si se atiende, a que somos cuatro personas con familia, y dos mil cabezas de ganado mayor sobrantes de las que puede admitir el rancho titulado Santa Teresa, motivo por que se hallan espuestas a disminuirse considerablemente si no se los proporciona parage bastante amplio donde se aquerencie en tal concepto, y resultando un pie considerable de ganado mayor, segun queda manifestado, con que dar principio a nuestra empresa, creemos no vacilara V. S. en facilitarnos los terrenos indicados, protestando no omitir tiabajo ni fatiga por ordera que sea en presentar al territorio una obra digna de el.

Nuda tendiemos que esponer respecto de los mintos que tenemos, pues a V. S. y a todas las autoridades consta los servicios que siempre hemos puestado por el bien comun, sin la menor escusa, y esta concesion será un nuero estimulo á nuestros buenos deseos portanto pedimos a V. S. se sirva darnos titulo de propriedad de los terrenos mencionados, con presencia del diseño referido con las restriciones que hasta ahora se han estendido y condicionado con permitir hasta que sea necesario, continue ocupando la mision de S. José un pequeño lugar que destiña para parte de sus borregas, con introducir dos mil cabezas de ganado mayor y mejorar cuanto sea posible su pinca y labores de las que hasta aqui ecsisten en el territorio, esto supuesto.

A V. S. suplicamos provea como pedimos, cuya gracia perpetuaremos en nuestro reconocimiento. Juramos no proceder de malicia y lo necesario, &a.

Arnego de Agustin Bernal por no saber escribir.
JOSE Z. FERNANDEZ.

ANTO. MA. PICO.

MARIA DOLORES BERNAL.

Arnego de Juan Bernal de Suñol por no saber escribir.
JOSE SORIEGO.

3 S. D. K.

Estracto.—Anto. Ma. Pico, Agustin y Juan Bernal, y Ma. Dolorres Bernal, solicitan el parage nombrado El Valle, y al efecto acompañan el diseño.

MONTEREY, *Julio* 24, *de* 1835.

De conformidad con las leyes de la materia informe el ayuntamiento del pueblo de S. José Guadalupe si los interesados en esta

instancia obtienen los requisitos prevenidos para ser atendidos en esta solicitud; si el terreno que pretenden esta compendido en las 20 leguas limitrofes i diez litorales que espresa la lei de 18 de Agosto, de 1824, si es de regadio, temporal ó abrevadero si pertenece a la propriedad de algun particular mision, corporacion, o pueblo, con todo lo demas que crea conducente a ilustrar la materia. Evacuada esta diligencia, pasará este espediente al R. P. ministro de la mision de S. José para que esponga lo que le ocura sobre el particular. El S. Dn. José Figueroa general de brigada, comandante g'ral inspector gefe superior politico de la Alta California, asi lo mando, decreto, y firmo de lo que soy fé.

JOSE FIGUEROA.

S'rio, F'co del Castillo Negrete.

Habiendo visto con detencion este f'he ayuntam'to asi la peticion de los C. C. Anto. Ma. Pico, Agustin Vernal.

5 S. D. K.

[Sello tercero, [L. S.] dos reales.

Para los anos de mil ochecientos veinte y seis, y ochocientos veinte y siete.

{Impression of stamp for the years 1828 & 1828, on the original.} {Impression of stamps for the years 1830 and 1831 on the original.} {Impression of stamp for the years 1832 & 1833, on the original.} {Impression of stamp for the years 1834 & 1835, on the original.}

Juan Vernal y D'a M'a Dolores Vernal, como el respetable decreto de V. S. de f'ha 24 de Julio, del presente año, ha tenido a bien en vista de lo acordado, hacer hacerla esposicion signiente. El terreno es de temporal y no es de regardio, no se halla comprendido en las veinte leguas limitrofes y si en las diez litorales. El espresado terreno se ha reconosido por de la mision de S. José, y a la f'ha se halla desocupado. Los interesados en esta instancia son C. C. Mexicanos, y sus padres fueron fundadores, tienen bienes de campo suficientes pa. obtenerlo.

Pueo. de S. José, 28 de Julio, de 1835.

IGNACIO MARTINEZ.

Secto., Jose Berreyesa.

Testigos: Salvio Pacheco,
Tomas Pacheco.

Con esta f'ha pasa a los manos del P. in'tro de la mision de S. José.

MARTINEZ.

6 S. D. K.

[Sello cuarto una cuartilla habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Figueroa. RAFAEL GONZALEZ.]

SOR. GEFE SUPERIOR POLITICO: El terreno q'e en este espediente se solicita, aunq'e atendidas las calidades y notorio merito de los q'e lo pretenden seria muy de desear el que V. S. les agraciase con el, p'o esta comunidad no puede cederlo sin perjudicarse ya en sus ranchos de borregas, ya en sus siembras en algun año es caso de aguas como el presente q'e si no habiera tenido esta mision el recurso de este, su terreno perdidas, sus siembras en los citios q'e ordinariam'te las hace hubiera tenido q'e sujetarse a la hambre y deseperacion, y ya finalm'te no puede cederse este terreno en fabor de los q'e lo solicitan p'r la utilidad y provechos que esta comunidad pretende y puede sacar de el a la q'e tiene un d'ro incontestable, p's desde la fundacion esta poseyendo este terreno, lo ha fructificado y al presente lo está fructificando con sus borregas, con siembras y si no ha devuelto alli sus ganados ha sido p'r algunos embarazos y circumstancias q'e ya no ecsisten y desde luego lo necesita imperiosamente p'a ese objeto.

Sobre el merito de los individuos q'e lo pretenden y las calidades del terreno, junto con lo q'e V. S. p'r su decreto de 24 de Julio, pp'o ordena q'e se informe, nada me parece hay q'e añadir a lo insertado arriba p'r el Ayuntam'to del Pueblo de S. José Guad'e.

Mision de S. José, y Septiembre 6, de 1835.

FR. JE. MA. DE JESUS GONZ'S.

7 S. D. K.

MONTERREI, *Setiembre* 10, *de* 1835.

Siendo el terreno solicitado en este espediente de los q'e reconoce por suyos i posee la mision de S. José suspendase por ahora la continuacion i resolucion de d'ho espediente. Hagasele saber a las partes para los usos q'e les convengan in reservese el espediente el S. G. José Castro, primer vocal de la E. Diputacion Territorial i Gefe Politico interino del Territorio de la Alta California asi lo mando, decretó, y firmó, de loque doy fée.

JOSE CASTRO.

S'rio, F'CO DEL CASTILLO NEGRETE.

MONTEREY, *Junio* 22, *de* 1837.

Informe el Sor. Administrador de la Ex-Mision de S. José si en el estado en que se encuentra hoy ese establecimiento puede accederse a la solicitud con q'e principia este esped'te.

JUAN B. ALVARADO.

8 S. D. K.

El terreno q'e en este espediente se solicita, no puedo cederlo sin perjuicio de esta comunidad ya en sus ranchos de borregas ya en sus siembras en algunos años malos de aguas como el presente que se halla muriendo el ganado, y se trata con la mayor brevedad pasar

el ganado a d'ho sitio, y ya finalmente no puede ceder este terreno en faber de los q'e los solicitan por la utilidad y provechos q'e esta comunidad pretende y puede sacar de el a loq'e tiene un derecho incontestable, pues desde la fundacion esta posee este terreno lo afructificado, y al presente lo esta fructificando con sus borregas, y dentro de pocos dias con sus ganados.

Es quanto puede decer sobre el particular.

Sn. Jose, y Julio, de 1837.

JOSE DE JESUS VALLEJO.

9 S. D. K.

Por no haser papel sellado.

MONTEREY, *Feb.* 23, *de* 1839.

Puedan los interesados en esta representacion ocupar provisionalm'te el terreno mencionado, sujetandose al resultado de la instancia que indican tener pendiente.

Comuniquese este decreto al Adm'or de Sn. Jose para su inteligencia y para que permita la ocupacion del sitio del Valle, en concepto de que se esceptua la parte del terreno solicitado pr. el Ciudad'o Dolores Pacheco pr. hallarse pendiente su resolucion.

ALVARADO.

EXMO. SOR. GOBERNADOR: El Co. Antonio Maria Pico, vecino del pueblo de S. José Guadalupe, por si y por los C. Co. Antonio Sunol, Agustin Bernal, y Juan Bernal, ante la justificasion de V. E. como mas sea conforme a derecho, comparesco y digo: que habiendo solicitado al Gobernador la propriedad del parage llamado Valle de S. José y Cornilitos, y estando nuestra solicitud corriendo los tramites de ley para la devida adjudicacion, y que resultando un perjuicio grande a nuestros intereses de la demora que puede tener el titulo que nos dé la propriedad.

A. V. E. encarecidamente suplico se sirva concedernos permiso provicional para trasladar al espresado parage algun numero de ganados y construir en el los corrales necesarios a su ciudado, en lo que reciviremos gracia q'e imploro.

Monterey, 22 de Fevrero de 1839.

ANTONIO MA. PICO,
AGUSTIN BERNAL.

10 S. D. K.

MONTEREY, *Abril* 10, *de* 1839.

Vista la peticion con que da principio este espediente el informe del Y. Ayuntamiento del pueblo de San José, que es conforme al estado en que se encuentra en la actualidad, sin objeto de ocupacion alguna y todo lo que en el convino, de conformidad con lo dispuesto por las leyes y reglamentos de la materia, declaro a Dn. Antonio

Ma. Pico, Dn. Antonio Suñol, Dn. Agustin y Dn. Juan Bernal, dueños en propriedad del terreno conocido con el nombre del Valle de Sn. José, demarcado en el diseño que corre en este espediente, y bajo las condiciones que en el titulo se espresan, siendo sus linderos desde los corralitos al sueste, y al oriente a las orrillas de los Somitas de los Pocitas immediatas a la Agua, y por el norueste y norte con el paraje del Arroyo a Cañada de la Tasajera. Librese el despacho correspondiente, tomese razon en el libro respectivo y reservese este espediente para conocim'to de la Ex'ma Junta Departamental para su derida aproracion. Asi el Señor D. Juan B. Alvarado, Gobernador interino del Departamento de las Californias, lo decretó, mandó, y firmó, de que doy fee.

ALVARADO.

11 S. D. K.

MONTEREY, 13 *de Mayo, de* 1840.

Dada cuenta á la Ex'ma Junta Departamental en cecion de este dia, acordó que pase a la comision de agricultura.

JOSE Z. FERNANDEZ, *S'rio.*

En veinte y dos del mismo lo derolrio la comision con el dictamen que se acompaña.

FERNANDEZ.

MONTEREY, *trece de Junio, de mil ochocientos cuarenta.*

En vista de la aprovacion otorgada en viente y dos de Mayo del año po.po. por la Ex'ma Junta Departamental, librese testimonio de ella á la parte de D. Antonio Maria Pico, y Agustin y Juan Bernal, y Da. Maria Dolores Bernal, en confirmacion del terreno del Valle que obturó en primero de Abril, de mil ochocientos treinta y nueve. El Sor. Dn. Juan B. Alvarado, Gobernador del Departamento de las Californias asi lo proreyó y firmó.

ALVARADO.

[Here follows 2 maps. See original, page 16.]

14 S. D. K.

SOR. GOBERNADOR: Antonio Suñol, residente en este territorio por el espacio veinte años, casado con Mejicana y el C. Antonio Ma. Pico ante V. E. respetuosamente nos presentamos exponiendo que con f'ha 23 de Julio, de 1835, dirijimos al Sor. Gefe Politico una solicitud pidiendo un terreno para la conservacion y aumento de mas de mil y tres cientas carezas de ganado mayor y cien cabesas de caballar, y no habiendo tenido efecto por varias causas nuevamento suplicamos a V. E. tenga a bien de adjudicarnos el terreno

conosido por el Valle situado al nordeste de los Corralitos de S. José colindando al S. oeste con dichos corralitos por el oriente con las Positas, por el N. oeste y norte con el parage nombrado S. Ramon y por el nordeste con las Sierras de las Cuevas, lo que queda demarcado en el diseño adjunto seis sitios poco mas o menos.

15 S. D. K.

Este terreno no pertenece a ningun particular y aun que en otros tiempos fue ocupado por la mision de San José, años que esta valdio, por lo que a V. E. rendidamente suplicamos tenga a bien de consedernos, en lo que resiviremos gracia y justicia, juramos lo necesario, &a.

Sta. Teresa, 10 de Febrero, de 1839.

ANTONIO SUNOL. ANTONIO MA. PICO.

17 S. D. K.

Juan B. Alvarado, Gobernador Interino del Departamento de las Californias.

[GOBIERNO DEL DEPART. DE CALIFORNIAS.] Por cuanto Dn. Antonio Ma. Pico, D. Antonio Suñol, D. Agustin y D. Juan Bernal, han pretendido para sus beneficios personales, y el de sus familias el parage conocido con el nombre del Valle de Sn. José colindante con los Corralitos al Sueste, y al oriente a las orillas de las Lomitas de las Pocitas, immediatas a la agua, y por el norueste y norte con el paraje del Arroyo o Cañada de la Tasagera; practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por las leyes y reglamentos, usando de las facultades que me son conferidas ha nombre de la nacion Mejicana, he venido en consederles el parage mencionado, declarandoles la propriedad de el por las presentes letras, entendiendose dicha consecion con entera conformidad a lo dispuesto por las leyes, a reserva de la aprovacion de la Exma. Junta Departamental y del Supremo Gobierno, y bajo las condiciones signientes.

1ª. Podran cercarlo sin prejudicar las travesias, caminos y servidumbres: lo disputaran libre y esclusiramente destinandolo al uso ó cultivo que mas les acomede; pero dentro de un ano fabricaran casa y estará habitada.

2ª. Cuando se les confirme la propiedad solicitaran del Juez respectivo que les dé la posecion juridica en virtud de este despacho por el cual se demarcaren los linderos a cuyos limites pondran, á mas de las mojoneras, algunos arboles putales ó silvestres de alguna utilidad.

3ª. El terreno que se les hace donacion es de la estencion que esplica el diceño que corre en el espediente, con sus limites respectivos: el Juez que diere la posecion lo hará medir conforme a or-

denanza para señalar los linderos, quedando el sobrante que resulte a la nacion pa. los usos convenientes.

4ª Si contravinieren a estas condiciones perderan su derecho al terreno y será denunciable por otro.

18 S. D. K.

En consecuencia mando que sirviendoles de titulo el presente y teniendose por firme y valedero, se tome razon en el libro a que corresponde, y se entregue á los interesados para su resguardo y demas fines. Dado en Monterey a diez de Abril, de mil ochocientos trienta y nueve, estendiendose este despacho en papel comun, por no haber del sellado que correspond.

JUAN B. ALVARADO.
MANUEL JIMENO,
S'rio del Despacho.

Queda tomada razon de este despacho en el libro respectivo a fojas terceras y para constancia lo firmo.

MANUEL JIMENO.

19 S. D. K.

El Exmo. S. Gobernador ha dispuesto se tome razon de este despacho en la Prefectura del primer Distrito.

JIMENO.

Queda tomeda razon a fs. 6 y señalado con el No. 9 del libro correspondiente que obra en el archivo de la Secretaria de la Prefectura del primer Distrito.

Sn. Juan de Castro, Abril 11, de 1839.

JOSE MA. COVARRUBIAS.

20 S. D. K.

Ex'mo S'or: La Comision de Agricultura y Comercio unidos encargada pr. V. E. de dictaminar los espedientes qe. en la secion anterior acompaño el Ex'mo S'or Gobernador y concedidos por el mismo Gobierno; y encontrando los conformes segun lo actuado e informes y demas qe. ber se ha podido, propone a la deliberacion de V. E. los articulos signientes:

Art'o 1º. Se aprueba la consecion hecha pr. el Gob'no Departamental con f'ha 10 de Abril, de 1839, en las personas de Dn. Ant'o Maria Pico, Dn. Ant'o Suñol, Dn. Agustin y Dn. Juan Bernal del parajé nombrado el Valle.

2º. Que se debuelra al Ex'mo Sor. Gobernador el espediente pa. los fines combenientes.

Monterey, Mayo 21, de 1840.

S. ARGUELLO.

Jose Rafael Gonzales.

21 S. D. K.

MONTEREY, 22 *de Mayo, de* 1840.

En sesion de este dia aprobó la Ex'ma Junta Departamental los dos articulos con que concluye el dictamen anterior.

MAN'L JIMENO, *Presid'te.*

JOSE Z. FERNANDEZ, *S'rio.*

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, surveyor general of the United States for the State of California, and as such, now having in my office, and under my charge and custody, a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, do hereby certify that the twenty-one preceding and hereunto annexed pages of tracing paper, numbered from one to twenty-one, inclusive, and each of which is verified by my initials, (S. D. K.,) exhibit true and accurate copies of certain documents now on file, and forming part of the said archives in my office.

In testimony whereof, I have hereunto signed my name officially, and affixed my private seal, (not having a seal of office,) at the city of San Francisco, California, this first day of September, A. D. 1851.

SAM'L D. KING,
Sur. Gen'l, Cal.

Filed in office May 18th, 1852.

GEO. FISHER, *Sec'y.*

B.—Translation.

Espediente of the tract called El Valle, solicited by Antonio Maria Pico, Agustin and Juan Bernal, and Doña Maria Dolores Bernal.

126.

Third stamp. [L. S.] Two reals. For the years 1826 and 1827.

Sello tercero. [L. S.] Dos reales.

Para los años de mil ochocientos veinte y seis y ochocientos veinte y siete.

{Impression of stamp for the years 1828, and 1829 on original.} {Impression of stamp for the years 1830 and 1831, on original} {Impression of stamp for the years 1832 and 1833, on original} {Impression of stamp for the years 1834 and 1835, on original}

Extract.—Antonio Maria Pico, Agustin and Juan Bernal, and Maria Dolores Bernal, petition for the tract called El Valle, and the plat is duly submitted.

MONTEREY, *July 24th,* 1835.

In obedience of the laws in the premises, let the Ayuntamiento

of the pueblo of San José Guadalupe report whether the memorialists possess the qualifications required in order to obtain consideration for their demand, whether the land petitioned for is embraced within the 20 leagues border, or 10 of coast, set forth in the law of the 18th of August, 1824; whether it be irrigable, tillable, or pasture land, or it be private property, or belong to mission, corporate body, or pueblo, with whatever facts they believe conducive of enlightment in the matter. When the preceding be executed, let this espediente be transmitted to the Rev. Father, pastor of the mission of San José, that he may report his opinion in the premises.

Sor. D. José Figueroa, brigadier general, commandant general, inspector superior political chief of Upper California, did decree, command, and sign, which I certify.

JOSE FIGUEROA.

Secretary, FRANCISCO DEL CASTILLO NEGRETE.

SENOR SUPERIOR POLITICAL CHIEF: The citizen, Antonio Maria Pico, Agustin and Juan Bernal, and Doña Maria Dolores Bernal, wife of the Spaniard D. Antonio Suñol, with the consent of her husband, before your honor, with due respect, we make known, that as we are desirous of forming an estate in the county, to the greatest advantage possible, not only to the founders, but even to their descendants, and also to the whole territory, and commanding the requisite means in order to carry it into execution, we are compelled to solicit from your honor the unoccupied lands called El Valle, bounded the mission of San José, the plat of which we respectfully transmit.

Although at first glance our demands appear immoderate on account of the vast extent which we solicit, it is not the case, if you recollect we are four persons with families, possessing two thousand head of large cattle more than that the ranch entitled Santa Teresa may contain, for which reason they run a risk of decreasing considerably, if a place be not procured sufficiently ample for said cattle to become domesticated.

In virtue of the foregoing, and there existing this considerable stock of large cattle wherewith to begin our enterprise, we flatter ourselves that your honor will not hesitate in affording in the lands indicated, avowing that neither labor nor fatigue, though it be arduous, shall be spared, in order to improve the territory with a work such as it deserves.

We have nothing to state relative to our merits, because your honor and all the authorities know the services we have always rendered for the public good, never hesitating, and this concession will be a new stimulus to our good wishes.

Therefore do we pray that your honor will please give us title, in fee, of the lands set forth in view of the plat referred to, embodying the restrictions usual in their issuance, and the condition of al-

lowing, until necessary, that the mission of San José will continue occupying a small place used for its sheep of introducing two thousand head of neat cattle, and of improving as much as possible the property and its tillage to a better condition than the establishments of this territory are.

Wherefore we beseech your honor to decree as we request, for which favor we will eternally be grateful. We affirm that our proceedings are not malicious, and what may be necessary, &c.

Solicited by Agustin Bernal, who could not write.

JOSE L. FERNANDEZ,
MARIA DOLORES BERNAL DE SUÑOL.

ANTONIO MARIA PICO.

Solicited by Juan Bernal, who could not write.

JOSE SORIEGO.

Sello tercero. [L. S.] Dos reales.

Para los años de mil ochocientos y veinte y seis y ochocientos veinte y siete.

{Impression of stamp for the years 1828 & 1829, in original.} {Impression of stamp for the years 1830 and 1831 on the original.} {Impression of stamp for the years 1832 & 1833, in the original.} {Impression of stamp for the years 1834 & 1835, on the original.}

Having duly considered the petition of the citizens, Antonio Maria Pico, Agustin Bernal, Juan Bernal, and Doña Maria Dolores Bernal, as well your honor's order, dated 24th July, of the present year, this illustrious Ayuntamiento has deemed proper, in view of what is shown, to make the following report, to wit: The land is tillable, and not irrigable, is not within the twenty border, but is embraced in the ten leagues of coast. The said land has been recognized as the mission of San José's, and is not at the present time occupied. The memorialists in the premises are Mexican citizens, and their parents were founders; they possess farming stock sufficient to obtain the favor.

Pueblo de San José, July 28th, 1835.

IGNACIO MARTINEZ.

Secretary, JOSE BERREYESA.

Witnesses: SALVIO PACHECO,
TOMAS PACHECO.

On the same date it was passed to the hands of the father minister of the mission of San José.

MARTINEZ.

Sello Cuarto una cuartilla.

Habilitado provisionalmente por la aduana maritima de Montery para los años de mil ochocientos trienta y cuatro y mil ochocientos trienta y cinco.

RAFAEL GONZALEZ.

FIGUEROA.

SENOR SUPERIOR POLITICAL CHIEF: The land solicited in this espediente, although in consideration of the qualifications and well-known merits of the petitioner, it would be desirable that your honor should grant to them, but this community cannot relinquish the same without injury to itself, both in its sheep ranches and in its crops, in such years as bring a scarcity of water like the present one. If the mission had not had this land as a resource, with the loss of the crops in the spots where it ordinarily sows them, it would have been forced to bow to famine and despair, nor can this tract be ceded to those who solicit it, because of the uses and profits that this community claims and derives from the same, to which it has as incontestible right, for, since its foundation, it has possessed this tract, it has made it useful, (fruitful,) and, at present, it is made to serve for sheep, for cultivation, and yet cattle have not returned there; the reason is some embarrassments and circumstances that no longer exist, and consequently it needs the land most imperiously for this object.

As to the merits of the solicitants, the description of the land with what your honor, in the order of the 24th of July last commands to be reported, there is nothing it appears to me to add to the observations of the Ayuntamiento of the pueblo of San José de Guadalupe.

Mission of San José, September 6th, 1835.

FRAQ. JOSE MARIA DE JESUS GONZALEZ.

MONTEREY, *September* 10*th*, 1835.

The land solicited in this espediente, being of those which the mission of San José look upon as its property and possesses, let the continuation and result of said espediente be suspended. The parties shall know of this step for their benefit, and the espediente shall be reserved.

General José Castro, first member of the escellent deputation of the territory and political chief ad interim of the Territory of Upper California, thus did decree, command, and sign, which I certify.

JOSE CASTRO.

Secretary, FCO. DEL CASTILLO NEGRETE.

MONTEREY, *June* 22*nd*, 1837.

Let the administrador of the ex-mission of San José report whether or not, in the state of affairs existing at the present time in that establishment, the petition at the beginning of this espediente can be acceeded to.

JUAN B. ALRARADO.

The land prayed for in this espediente cannot be relinquished without damage to this community in its sheep ranches and in its crops, in those years like the present scant of water; then the cattle die off; and it is intended to have the cattle to that tract as soon as

possible; then again this land cannot be ceded to the solicitants because of the uses and profits that this community claims and derives from the same, to which it has an incontestible right, for since its foundation it has possessed this tract, made it fruitful, and at the present time it is made to serve for sheep, and in a few days for its cattle. This is all what I can say in the premises.

San José, July 11th, 1837.

JOSE DE JESUS VALLEJO.

(As there is no sealed paper.)

To HIS EXCELLENCY, THE GOVERNOR: I, the citizen Antonio Maria Pico, a resident of the pueblo of San José de Guadalupe, for himself and for the citizens Antonio, Suñol, Agustin Bernal, and Juan Bernal, before your excellency's goodness, in the most becoming manner, appear and set forth that having from the Governor the fee of the tract called Valle de San Jose and Corralitos, and our petition going through the proceedings of law for the due adjudication, we are actually receiving great damage in our property, the result of the delay in obtaining the patent which will vest us with the fee.

I submissively pray that your exc'y may be pleased to grant us temporary permission to transport to the said tract a number of cattle, and to construct there the corrales (pens) necessary for their keeping, which is a benefit for us, which I implore.

Monterey, 22d of February, 1839.

ANTONIO MARIA PICO,
AGUSTIN BERNAL.

MONTEREY, *February 23rd*, 1839.

The applicants in this request may occupy temporarily the land referred to, subject to the result of the proceedings which they represent to have pending.

Let this decree be communicated to the administrador of San José for his information, and that he may permit the occupation of the tract of El Valle, with the understanding that there must be excepted that part of the land petitioned for by the citizen Dolores Pachico, as the resolution in the matter is pending.

ALVARADO.

MONTEREY, *April 10th*, 1839.

In view of the petition with which this espediente begins, the report of the illustrious Ayuntamiento, of the pueblo of San José, which is in conformity with the present condition of the same, without any intended occupation whatever, and all that is shown in obedience of what is ordained by the laws and regulations in the premises, I pronounce Don Antonio Maria Pico, Don Antonio Suñal, Don Agustin and Don Juan Bernal, owners in fee of the land known by the name Valle de San José, designated in the plat attached to this

espediente and under the conditions in the title set forth, its boundaries being from the corralitos, on the southeast, and on the east to the edges of the lomitas de las pocitas, nigh by the water; and on the northwest and north by the place of the Arroyo (ravine) de la Tasajera; let the proper patent issue, let it be entered in the respective book, and be this espediente kept for the knowledge of the most excellent Departmental Junta, for its due approval.

Thus Juan B. Alvarado, Governor ad interim of the Department of the Californias, did command, decree, and sign, which I certify.

ALVARADO.

MONTEREY, 19*th of May*, 1840.

Having been submitted (the espediente) to the excellent Departmental Junta in the session of this day, it was referred to the committee on agriculture.

JOSE Z. FERNANDEZ,
Secretary.

On the 22nd of the same month, the committee reported the same back, with the accompanying resolution.

FERNANDEZ.

MONTEREY, *June* 30*th*, 1840.

In view of the approval decreed on the 22nd of May of this year, by the most excellent Departmental Junta, let a testimonial of the same be issued for Don Antonio Maria Pico, Agustin and Juan Bernal, and Doña Maria Dolores Bernal, in confirmation of the tract of El Valle, granted the first day of April, A. D. 1839.

S'or Juan B. Alvarado, Governor of the Department of the Californias, thus did decree and sign.

ALVARADO.

S'or Governor: Antonio Suñol, a resident of this territory for the period of twenty years, wedded to a Mexican, and the citizen Antonio Maria Pico, before your excellency we respectfully appear, alleging that on the 23rd day of July, 1835, we addressed to the political chief a memorial praying for a tract for the preservation and increase of more than thirteen hundred head of large cattle, and one hundred head of horses, which for various reasons did not succeed. We again supplicate your excellency to deem proper to adjudicate to us the tract known as El Valle, situate to the northeast of the Corralitos of San José, bounded on the southwest by said Corralitos on the east by the Pocitas, on the northwest and north by the place called San Ramon, and on the northeast by the Sierra (mountain) of the Cuevas, which is made to appear in the accompanying plat six sitios, a little more or less.

This tract belongs to no private person, and although at a former period it was occupied by the mission of San José, for many years

it has been vacant, for all of which we subsmissively beseech your excellency to grant the same to us, in which we will receive favor and justice, and we will ever, &c.

Santa Teresa, February 1st, 1839.

ANTONIO MARIA PICO.
ANTONIO SUNOL.

John B. Alvarado, Governor ad interim of the department of the Californias.

{ Political Government of Upper California. } Inasmuch as Don Antonio Maria Pico, Don Antonio Suñol, Don Agustin and Juan Bernal, have petitioned for their personal benefit and that of their families the place known by the name of Valle de San José, bounded by the Corralitos on the southeast, and on the east by the edges of the Lomitas (small hills) of the Pocitas, adjoining the water, and on the northwest and north by the place of the Arroyo or Cañada de la Tasajera, the relative proceedings and investigations, pursuant to what is prescribed by laws and regulations having previously been complied with, in the exercise of the powers conferred upon me, in the name of the Mexican nation, I have thought fit to grant to them the tract referred to, declaring the fee of the same to them by these presents, with the understanding that said concession is in entire conformity with what is provided by the laws, but subject to the approval of the department junta and of the supreme government and under the following conditions:

1st. They may enclose it without injuring the crossings, roads, or servitudes; shall enjoy it freely and exclusively, devoting it to the use or cultivation that be most suitable to them, but within one year shall build a house and it shall be inhabited.

2d. When the property is confirmed to them, they shall apply to the proper judge to give them judicial possession, in virtue of this patent, by whom shall be designated the boundaries. At the limits of the latter they shall fix, in addition to the monuments, some fruit or wild trees of utility.

3d. The land granted is in extent what is shown (explained) in the plat attached to the espediente with its respective limits. The judge who shall give the possession shall have it measured according to statute, in order to fix the boundaries, the surplus that results remaining to the nation for its convenient uses.

4th. If they should contravene these conditions, they shall lose their right to the land, (tract,) and it will be denouncable by another.

In accordance therewith, I command that these presents, serving them for title, and the same be held as firm and valid, be registered in the proper book and delivered to the parties in interest for their safeguard and other purposes.

Given at Monterey this tenth day of April, A. D. one thousand eight hundred and thirty-nine; this patent being issued on common paper, not having any of the proper stamp.

JUAN B. ALVARADO.

MANUEL JIMENO,
Secretary of State.

This patent is registered in the corresponding book in folio three, and as valid, I sign

MANUEL JIMENO.

His excellency, the Governor, has ordered that this patent be entered in the Prefecture of the first district.

JIMENO.

Registered in folio 6, and marked as number 9 in the corresponding book belonging to the archives of the Secretary's office of the prefecture of the first district.

San Juan de Castro, April 11th, 1839.

JOSE MARIA CORARRUBIAS.

MOST EX'CT SIR: The committee on agriculture and commerce, charged by your excellency to report on the espedientes which in the preceding session were transmitted by his excellency, the Governor, and were granted by the same government, which being found lawful in the proceedings, the references (informes) and other things appearing, proposes for the action of your excellency the following statement:

1st. The concession made by the departmental government on the 10th day of April, 1839, to the persons of Don Antonio Maria Pico, Don Antonio Suñol, Don Agustin, and Don Juan Bernal, of the place called El Valle, is hereby approved.

2nd. Let the espediente be returned to his excellency, the Governor, for the proper purposes.

Monterey, May 21st, 1840.

S. ARGUELLO.

JOSE RAFAEL GONZALEZ.

MONTEREY, *May 22nd*, 1840.

In to-day's session the excellent departmental junta approved the statement in the conclusion of the foregoing report.

MANUEL JIMENO,
President.

JOSE L. FERNANDEZ, *Secretary.*

Filed in office, May 18th, 1852.

GEO. FISHER, *Sec'y.*

Document H. H. No. 1, *annexed to the deposition of Manuel Jimeno.*

H. H. No. 1.

Sello primero, seis pesos.

Habilitado provicionalmente por la aduana maritima de Monterey, para los años de 1839 y 1840.

ANTONIO MA. OSIO.

ALVARADO.

[AD'A MARIT'A DE MONT'Y.]

Juan B. Alvarado, Gobernador, constitucional del departamento de las Californias.

Por cuanto D. Antonio Maria Pico, D. Antonio Suñol, D. Agustin y Dn. Juan Bernal, han pretendido para sus beneficios personales y el de sus familias el parage conocido con el nombre del Valle de S. José, colindante con los corralitos, al sueste al oriente á las orillas de las lomitas de las Pocitas, immediatos a la agua; y por el noroeste y norte con el parage del arroyo ó cañada de la tasagera; practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por las leyes y reglamentos, usando de las facultades que me son conferidas a nombre de la nacion Mejicana, he venido en concederles el parage mencionado, declarandoles la propiedad de el por las presentes letras, entendiendose dicha concesion con entera conformidad a lo dispuesto par las leyes, areserva de la aprobacion de la ex'ma Junto Departamental y del Supremo Gobierno y bajo las condiciones signientes.

1a. Podran cercarlo sin perjudicar las travesias, caminos i servidumbres, lo disfrutaran libre y esclusivamente, destinandolo al uso o cultivo que mas les acomode; pero dentro de un año fabricaran casa y estará habitada.

2a. Cuando se les confirme la propiedad, solicitaran del juez respectivo les dé posesion juridica, en virtud de este despacho, por el cual se demarcaran los linderos, a cuyos limites pondran amas de las mojoneras algunos arboles frutales ó silvestres de alguna utilidad.

3a. El terreno que se les hace donacion es de la estencion que esplica el diseño que corre en el espediente con sus limites respectivos el juez que diere la posesion lo hará medir conforme á ordenanza para señalar los linderos quedando el sobrante, que resulte a la nacion para los usos convenientes.

4a. Si contravinieren a estas condiciones perderan su derecho al terreno y será denunciable por òtro.

En consequencia mando que sirviendole de titulo el presente y teniendose por firme y valedero, se tome razon en el libro a que corresponde, entregandose a los interesados para su resguardo y demas fines. Dado en Monterey, a diez de Abril, de mil ochocientos y cuarenta.

ALVARADO.

MAN'L JIMENO, *Srio. del Despacho.*

Jos. Lloyd Book

ಅಲ್ಲಮಪ್ರಭು ಬಸವಣ್ಣ ಮೊದಲಾದ

Queda tomado razon de este despacho en el libro respectivo, a fojas tercera; y para constanciá lo firmo.

JIMENO.

El ex'mo Señor Gobernador ha dispuesto se tome razon de este despacho en la prefectura del primer distrito.

JIMENO.

Queda tomada razon a f's 6 y señalado con el No. 9, del libro correspondiente que obra en el archivo de la Secretaria de la Prefectura del 1o. districto.

San Juan de Castro, 24 de Octubre, de 1840.

FRAN'CO C. ARCE,
Srio. Int'o.

Sello tercero dos reales.

Habilitado provicionalmente por la aduana maritima del puerto de Monterey, en el Departmento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

ANTONIO MARIA OSIO.

ALVARADO.

[A'DA MANIT'A DE MONT'Y.] Juan B. Alvarado, Gobernador Constitucional del Departamento de las Californias.

La ex'ma Junta Departmental, en acuerdo del dia 22 de Mayo, del presente año de 1840, aprobó el dictamen de la Comision de agricultura que conocio en el espediente instruido sobre el terreno nombrado Valle de S. José, adjudicado a las partes de D. Antonio Maria Pico, D. Antonio Suñol, D. Agustin y D'n Juan Bernal; cuyo artienlo con que concluye dia asi.

"Se aprueba la concesion hecha por el Gobierno Departmental con fecha 10 de Abiel, de 1839, en las personas de D. Antonio Maria Pico, D. Antonio Suñol, D. Agustin y D'n Juan Bernal del parage, nombrado el Valle."

Y en consecuencia del decreto de 13 de Junio ultimo, constante en el espediente referido se libra el presente a las partes interesados para su resguardo.

Monterey, 4 de Agosto, de 1840.

ALVARADO.

MANUAL JIMENO,
Srio del Despacho.

[Here follows map. See original, page 33.]

[GOB'O DEL DEP'TO DE CALIFORNIAS.] Infrascrito Secretario de la E. Junta del Departamento de las Californias, encargado interinamente del despacho del Gobierno del mismo. Certifico que el plano antecedente es fielmente sacado de su original que obra en el espediente respectivo por el que fué concedidos los sitios de ganado mayor que constan en el titulo, a los

interesados, y aprobo la E. Junta en veinte y dos de Mayo del presente año; cuyo espediente queda archivado en esta Secretaria, y al que me remito.

Monterey, veinte de Octubre, de mil ochocientos cuarenta.

JOSE Z. FERNANDEZ.

Filed in office January 17th, 1853.

GEO. FISHER, *Sec'y.*

Document H H, No. 2, annexed to the deposition of Ant'o M'a Pico.

En el pueblo de San José de Guadalupe á los seis dias del mes de Diciembre, de mil ochocientos cuarenta y dos; ante mi Tomas Pacheco, encargado de justicia del juzgado de Paz de dicho pueblo, y por ante mis testigos de asistencia con quienes actuo por receptoria a falta de escribano publico, compareció D. Antonio M'a Pico, nativo de Californias, y vecino de este punto, y Don Antonio Suñol, ambos de esta vecindad, a quienes doy fe conozco, y dijo el primero. Que por la presente, en aquella via y forma que mas haya lugar en derecho, cierto y sabeedor del que en este caso le corresponde, y por si, y a nombre de sus herederos y sucesores, y de quien ellos hubiese titulo, voz y causa en cualquiera manera, vende y dá en venta real y enagenacion perpetua para siempre jamas, el derecho que tiene en el terreno del Valle de San José, segun consta por el titulo y aprobacion de la Junta Departamental, y cuyo derecho como suyó se lo vende al Señor Don Antonio Suñol por la cantidad de cien vaquillas y cincuenta novillos, de los que se dá por recibidos fiel y eficazmente, y por lo cual declara que dicho terreno sera cierto y seguro al comprador, que nadié le inquietará ni movera pleito sobre su posecion goce o dispute; y si se le inquietare o moviese saldrá a su defenza y le seguira en todas espenzas hasta egecutoriorlo y dejar al comprador en libre uso, quieta y pacifica posesion y do no conseguirlo, le restituira la cantidad que haya desembolzado, las mejoras que hubiere hecho, y todos los perjuicios que por su causa se le siguiere é irrogare. Ygualmente renuncia la ley 2 titulo primero, partida 5ª novisima recopilacion, que trata de los contratos de ventas y otros en que hoy lecion en mas ó menos de su justo valor. Tambien renuncia el fuero y domicilio que le puedan favorecer. Y para la perfecta validacion de lo referido en la presente escritura; obliga su persona, bienes habidos y por haber, y con ellos se somete al fuero y jurisdiccion de los señores jueces que en este negocio deban conocer, para que le completan y a premion por todo rigor de derecho y via ejecutiva, por sentencia definitiva de juez competente pasada en autoridad de cosa juzgada consentida y sin mas recurso. Renuncia las leyes de su favor y defenza, con lo general del derecho en forma; en cuyo testimonio

asi lo otorgó y firmo conmigo y los de mi asistencia segun derecho.

ANTONIO MA. PICO.

A mego del interesado,
PILAR BERNAL.

TOMAS PACHECO,
JOSE NORIEGA,
Ass'a FELIX BUELNA.

Digo yo Antonio Suñol que en la venta antecedente hecha por Don Antonio Maria Pico del derecho del Valle de San Jesé, está incluso ademas del espresado numero de ganado importe de su valor, la chancelacion de todas las cuentas que ecsistan entre dicho Señor y yo, hasta aquella fecha.

San José de Guadalupe, 6 de Diciembre, de 1842.

ANTONIO SUNOL.

STATE OF CALIFORNIA,
Santa Clara County.

On this the 15th day of January, A. D. 1851, before me, personally came Antonio Suñol, personally known to me to be the person described in and who executed the foregoing instrument of conveyance in the third page of this deed, and acknowledged to me that he executed the same freely, voluntarily, and for the uses and purposes therein mentioned.

In testimony whereof, I have hereunto set my hand and affixed my private seal (there being as yet no official seal) the date last above written. [SEAL.]

J. T. RICHARDSON,
Recorder in and for said County.

Filed 1½ o'clock, p. m., 13 January, 1851.

J. T. RICHARDSON,
Recorder S. C.

Recorded in Book of Deeds C, pages 105 and 106, archives of Santa Clara county, Cal'a.

J. T. RICHARDSON, *Recorder.*

Filed in office January 17th, 1853.

GEO. FISHER, *Sec'y.*

Translation of doc. H. H. No. 2, *annx'd to the depo. of Anto. Ma. Pico, before Com'r Hiland Hall, and filed in office Jan'y* 17*th*, 1853.

On the sixth day of December of one thousand eight hundred and forty-two, in the town of San José, before me, Thomas Pacheco,

justice of the peace of said town, and my assisting witnesses, with whom I am acting for want of a notary public, did appear Antonio Ma. Pico, a native of California and a resident of this town, and Antonio Suñol, both of this place, whom I declare I know, and the first-named declared: That by these presents, in that form which is according to law, well knowing of what in such a case he has to do, for himself and in the name of his heirs and successors, and of whomsoever of them may have title, voice, and claim in whatsoever a manner, he does sell and give in real sale and perpetual alienation forever, the right he holds in the land of the Valle de San José, and in stated in the title, and approbation of the Departmental Assembly, and the said right of his he does sell to Antonio Suñol for the sum of one hundred young cows and fifty young steers, which he has received completely, and by these presents he does declare that the said land shall be sure and certain to the purchaser; that no one shall distrust him, nor bring suit against him for its possession, enjoyment, or the use of it; and in case suit should be brought against him, he promises to defend and to make all the necessary expenses until he shall bring it (the said) to an end, and leave the purchaser in the free use and in quiet and peaceable possession of it; and in case he could not do that, he (the vendor) will return the amount (of cattle) which he (the purchaser) has spent, pray the improvements he (the purchaser) should have made, and all the damages which he (the purchaser) should have suffered by his (the vendor's) faults. At the same time he (the vendor) renounces law 2d title first, part 5th, last recipilation, that speaks about the contracts of sales and others by virtue of which property is deeded away for more or less of its just value. And he also does renounce all the privileges and special laws (domicils) which may be in his favor. And in order to make what in the present deed has been related perfectly valid, he (the vendor) binds himself with his person and the property he has, and may in fature have, and he submits himself with them to the jurisdiction of the judges, who in this matter have to decide, that they may compel and oblige him with all the rigor of the law and subsequent execution, by the definitive sentence of the competent judge, given in virtue of the case having been decided and consented to and without further recourse. And he (the vendor) duly renounce the laws which are in his favor and defence, with all his right formally.

In testimony of which he (the vendor) did so grant and sign it in my presence and of my assisting witnesses.

(Signed) ANTONIO MA. PICO.

(Signed) TOMAS PACHECO, at the request of the interested party.

(Signed) PILAR BERNAL, (Pico's wife.)

Assisting witnesses, FELIS BUELNA,
JOSE NORIEGA.

I, Antonio Suñol, do declare that in the foregoing sale made by

Antonio Ma. Pico, of his right in the Valle de San José is, besides the enumerated number of cattle as purchase him included, the cancelling and settlement of all the amounts that existed between said gentlemen and me up to this date.

San José de Guadalupe, 6 December, 1842.

(Signed) ANTONIO SUÑOL.

Filed in office.

Exhibit No. 3. Original Deed from Ant'o Suñol to Juan Bernal.

Por el presente documento consta pertenecer la parte del terreno del Valle de San José que hera de Don Antonio Ma. Pico a D. Juan Bernal, el que con esta fecha me lo compró por el valor de dos mil pesos ($2,000) ha quien sedo todo el derecho que en el tenia, y para que lo disfruto como propio propietario, le entriego la escritura de venta hecha a mi fabor por dicho D'n Antonio Ma. Pico. Y para resguardo de dicho Señor Juan Bernal doy este en el pueblo de San Jose a 10 de Noviembre de 1849.

ANTONIO SUÑOL.

STATE OF CALIFORNIA,
Santa Clara County, ss:

On this the 20th day of January, A. D. 1851, before me personally came Antonio Suñol, personally known to me to be the person described in and who executed the forfgoing instrument, and acknowledged to me that he executed the same freely, voluntarily, and for the use and purposes therein mentioned.

In testimony whereof I have hereunto set my hand affixed [L. S.] my private seal, (there being as yet no official seal,) the date last above written.

JOHN T. RICHARDSON,
Recorder in and for said County.

Filed 10½ o'clock, a. m., 20 January, 1851.

J. T. RICHARDSON,
Recorder S. C. C.

Recorded in book of deeds C, pages 107 archives of Santa Clara county, Cal.

T. J. RICHARDSON,
Recorder.

Filed in office Sept'r 19, 1853.

GEO. FISHER,
Sec'ry.

Translation of Exhibit No. 3.

This document shows that that portion of the land known as the

Valle de San José, which formally belonged to D'n Antonio M'a Pico, now belongs to D'n Juan Bernal, who, on this day, purchased it from me for the sum of two thousand dollars, and to whom I transfer all the right I had in it; and in order that he may enjoy it as his property, I declare to him the written instrument of sale executed in my favor by said D'n Antonio M'a Pico; and for the security of said Juan Bernal, I give this at the Pueblo of San José, the 10th day of November, 1849.

ANTONIO SUÑOL.

Filed in office September 19th, 1853.

GEO. FISHER, *Sec'y.*

Opinion of the Board by Com'r Campbell.

ANTONIO SUÑOL, AGUSTIN BERNAL, and JUAN BERNAL, vs. THE UNITED STATES. } El Valle de San José.

The petitioners in this case represent in their petition that, on the 10th day of April, A. D. 1839, they, together with one Antonio Maria Pico, obtained from Governor Alvarado, a grant of land known by the name of El Valle de San José, and they further represent that the said Pico did, on the 6th day of December, A. D. 1842, sell and convey to the said Antonio Suñol all his interest in and to the place as above granted, and that on the 10th day of November, A. D. 1849, the said Suñol did, by his certain deed of conveyance, sell and transfer to the said Juan Bernal, all the interest conveyed to him by the said Pico.

In support of the foregoing allegations and averments, the said petitioners have produced and placed on file the original grant, together with the *originals* deeds above referred to, all of which are properly proved and authenticated, and were admitted as evidence without objection.

It is also in proof that the said grant was, on the 22d day of May, A. D. 1840, duly confirmed by the Departmental Junta.

There is no proof that any judicial measurement was ever made of the premises in question. The evidence, we think, shows a substantial compliance with the conditions of the grant, and as the grant is not for any specific quantity, but evidently intended to embrace all the land contained within boundaries, as described in the grant itself, and as laid down and delineated on the map, to which reference is made, we are of opinion that the same is sufficiently described, and that the petitioners are entitled to a confirmation of their claim as tenants in common.

Filed in office January 31st, 1854.

GEO. FISHER, *Sec'y.*

Decree of Confirmation.

ANTONIO SUNOL, AGUSTIN BERNAL, and JUAN BERNAL,
vs.
THE UNITED STATES.

In this case on hearing the proofs and allegations, it is adjudged by the commission that the claim of the said petitioners is valid, and it is therefore decreed that the same be confirmed. The lands of which confirmation are hereby made, are known by the name of El Valle de San José, and bounded and described as follows, to wit: on the southeast by the Corralitos; on the east by the edges of the lomitas of the Pocitas, adjoining the water; and on the northwest and north by the place of the arroyo or Cañada de la Tasajera. For a more particular description of said place, reference to be had to the map, which forms a part of the traced copy of the espediente filed in the case, and marked A. The map to which reference is made, to be found on pages marked 13 of said expediente.

ALPHEUS FELCH,
THOMPSON CAMPBELL,
R. AUG. THOMPSON,
Commissioners.

Filed in office January 31st, 1854.

GEO. FISHER, *Sec'y.*

Secretary's Certificate

OFFICE OF THE BOARD OF COMMISSIONERS
TO ASCERTAIN AND SETTLE THE PRIVATE
LAND CLAIMS IN THE STATE OF CALIFORNIA.

I, George Fisher, secretary to the board of commissioners to ascertain and settle private the land claims in the State of California, do hereby certify the foregoing forty-one pages, numbered from 1 to 41, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings, and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 231 on the docket of the said board, wherein Antonio Suñol et al. are the claimants against the United States for the place known by the name of "El Valle de San José."

In testimony whereof, I hereunto set my hand and affix my private seal (not having a seal of office) at San Francisco, [SEAL.] California, this twenty-third day of September, A. D. 1854, and of the independence of the United States of America the seventy-ninth.

GEO. FISHER, *Sec'y.*

(Endorsed:) Filed September 23d, 1854. John A. Monroe, lerk.

Notice of Appeal.

OFFICE OF THE ATTORNEY GENERAL
OF THE UNITED STATES,
Washington, 17th January, 1855.

ANTONIO SUNOL et. al.
vs.
The UNITED STATES. } 231.

You will please take notice that in the above case, decided by the commissioners to ascertain and settle private land claims in the State of California, in favor of the claimants, and a transcript of the proceedings in which was received in this office, on the 13th day of September, 1854, the appeal in the district court of the United States for the northern district of California will be prosecuted by the United States.

C. CUSHING,
Attorney General.

(Endorsed:) Filed February 20th, 1855. John A. Monroe, clerk.

Petition.

To the honorable district court of the United States in and for the northern district of California.

THE UNITED STATES, appellants,
vs.
ANTONIO SUNOL et. al. } No. 102.

The petition of the United States, by their attorney, represents, that this cause is an application for a review of the decision of the board of commissioners, whereby the claim of the said appellee was confirmed, as appears by reference to the records in the case; that a transcript of the said records was filed in this court, on the first day of May, 1855; that a notice of appeal was filed on the first day of May, 1855, and that the land claimed lies in the said district.

That the said claim is invalid.

Wherefore, appellants pray that the said decision of the board be reversed, and that this court decree the said title to be invalid.

Respectfully, &c.,

S. W. INGE,
U. S. Dist. Atty.

(Endorsed:) Filed December 10th, 1855. John A. Monroe, clerk. By W. H. Chevers, deputy.

Petition.

To the honorable district court of the United States in and for the northern district of California.

THE UNITED STATES, appellants,
vs.
ANTONIO SUNOL. } No. 102.

The petition of the United States, by their attorney, represents, that this cause is an application for a review of the decision of the board of commissioners, whereby the claim of the said appellee was confirmed, as appears by reference to the records in the case; that a transcript of the said records was filed in this court, on the 1st day of May, 1854; that a notice of appeal was filed on the 1st day of May, 1854, and that the land claimed lies in the said district.

That the said claim is invalid.

Wherefore, appellants pray that the said decision of the board be reversed, and that this court decree the said title to be invalid.

Respectfully, &c.,

S. W. INGE,
U. S. Dist. Att'y.

(Endorsed:) Filed October 16th, 1855. John A. Monroe, clerk. By W. H. Chevers, deputy.

Answer.

District court of the United States for the northern district of California.

THE UNITED STATES, appellants,
vs.
ANTONIO SUNOL et. al., appellees. } No. 102.

The appellees, Antonio Suñol, and others, for answer to the petition of the appellants, say that the title of the appellees is good and valid, and pray that the decision of the board of commissioners be affirmed.

A. P. CRITTENDEN,
Att'y for Appellees.

(Endorsed:) Filed December 10th, 1855. John A. Monroe, clerk, By W. H. Chevers, deputy.

Deposition of Antonio Maria Pico.

UNITED STATES DISTRICT COURT,
Northern District of California.

SAN FRANCISCO, *September 7th*, 1855.

On this day, before John A. Monroe, a commissioner of the United

States for the northern district of California, duly authorized to administer oaths, &c., &c., came Antonio Maria Pico, a witness produced on behalf of the claimants in case No. 102, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California, in case No. 231 on the docket of the said board of commissioners, and was duly sworn and testified as follows—his evidence being interpreted by Hipolito Adler, a sworn interpreter.

Present, A. Glassell, on behalf of the United States, and A. P. Crittenden, for claimant. (A. Glassel, ass't U. S. Dist. Att'y.)

Maria Pico sworn, says, I am forty-six years of age and reside in San José; have resided there since '32; I knew the rancho called "El Valle;" it is north from the mission of San José; the original grantees were myself, Don Antonio Suñol, and Augustin Bernal, and Juan Bernal; I know the boundaries of this rancho; the ranch is bounded on the north by the Cañada Tesagera; on the southwest, Palos Secos, and a range of hills running in the direction of San José; and on the east by the bank of the waters called Positos, where there are some low hills; and on the south by the sierra of Buenos Ayres and Calaveras. Dolores Pacheco is on the west of the rancho. On the dividing line between the two ranchos spoken of, the Cañada Tesagera and Palos Secos are situated. There is a creek in the cañada which comes from a high hill.

The creek is called the Arroyo de Cañada de Tesagera. The creek runs into a sort of lake in the Tulares.

The boundaries run round the lagoon to the Palos Secos, leaving the lagoon on the side of Bernal.

This line was laid out by myself, and agreed to by Dolores Pacheco and accepted by the Governor as the dividing line.

The Sierra of Buenos Ayres runs from south to east. The Corralitos is on the south of the rancho. I procured the title to the rancho "El Valle."

The grants to both ranchos were made the same day, in accordance with an agreement I made with Dolores Pacheco. I presented the application, and the grant was made to me to the rancho "El Valle."

Witness being shown a copy of the original grant and a copy of the grant contained in the expediente, and also a copy of the decree of the Departmental Assembly approving the grant, all of which are contained in the transcript, and being asked in which of these papers the true date of the grant is stated, says:

The true date is stated in the second paper nominated in the question; that is to say, in the espediente and also in the copy of the decree of the Departmental Assembly approving the grant. The date is incorrectly stated in the copy of the original grant. It must have been by the error of the clerk who wrote the original grant that the date was stated to be 1840. There is no difficulty in ascertaining the boundaries of the land granted on the ground

itself, because the boundaries are so clearly defined. The Loma Alta is the hill from which the Arroyo de la Tasagera runs down. It is the only place in the vicinity called the Loma Alta. All the small streams running down from the Loma Alta join together at its base and from the Arroyo de la Tasagera. This was the boundary which was agreed upon before the Governor, between myself and Dolores Pacheco. Pacheco wanted to extend his boundaries, and the Governor brought us both before him and the boundary was then settled, and the titles issued in conformity with it.

Cross-examined on behalf of the United States.

I have no interest in the event of this cause. Dolores Pacheco and myself appeared before the Governor and had the boundary settled as I have stated in Monterey, in the year 1839. Alvarado was the Governor and Jimeno Secretary. Jimeno was present when the boundary was settled, and also José Santos Abila. Abila made out a plot of the ranch according to the settlement of the boundary for Pacheco.

And further the witness said not.

ANTONIO M'A PICO.

Deposition of Josê Higuera.

José Higuera, being also duly sworn under the same circumstances as above in the caption to the preceding deposition stated, said:

I am thirty-six years of age, and reside on the rancho "El Valle." I have lived in California all my life; I know the rancho El Valle; I have known it for eighteen or twenty years; I know its boundaries; the boundary on the side of the Mission of San José are the hills called "Los Corralitos," and the slope of the Cerro of the Mission of San José; on the side of the rancho of Dolores Pacheco the boundary is the Arroyo de la Tasagera, which runs from the Loma Alta to the Lagune, and from thence the line runs to the Palos Secos: on the side of the rancho El Valle, opposite the land of Dolores Pacheco, is the ranch of Robert Livermore; the boundary on this last-mentioned side of the ranch, is the low hills from which comes the water called "Las Pocitas."

Cross-examined.

I have no interest in this matter; I know all that I have stated by my own proper knowledge; I was on the rancho El Valle about two days ago.

his
JOSE ⋈ HIGUERA.
mark

Witness: HIPOLITO ADLER.

Sworn to before me this 7th day of September, A. D. 1855.
JOHN A. MONROE,
U. S. Commissioner.

(Endorsed): Filed September 7th, 1855; John A. Monroe, Clerk; by W. H. Chevers, Deputy.

Stipulation to withdraw Transcript.

DISTRICT COURT OF THE UNITED STATES,
For the Northern District of California:

THE UNITED STATES
vs.
ANTONIO SUNOL AND OTHERS. } No. 102.

It is agreed that the transcript of the record is this case be returned to the secretary of the board of land commissioners for correction, and for that purpose may be delivered to the attorney of the claimants.

December 8th, 1855.

A. GLASSELL,
Ass't U. S. Att'y.
A. P. CRITTENDEN,
Att'y for Claimants.

Ordered in accordance with the above stipulation.
December 8th, 1855.

OGDEN HOFFMAN, Jr.,
U. S. Dis't Judge.

(Endorsed): Filed December 8th, 1855; John A. Monroe, Clerk; by W. H. Chevers, Deputy.

Translations filed by consent.

(Translation of original grant, document H. H., No. 1, annexed to to the deposition of Manuel Jimeno.)

First seal. Six dollars.

Furnished provisionally for the maritime custom-house of Montery, for the years 1839 and 1840.

ALVARADO.

ANTONIO M'A OSIO.

[AD'A MARIT'A DE MONT'Y] Juan B. Alvarado, Constitutional Governor of the Department of the Californias.

Whereas, Don Antonio Maria Pico, Don Antonio Suñol, Don Agustin and Don Juan Bernal, have solicited for their personal benefit and that of their families the place known by the name of "El Vallé de San José," bounded by the Corralitos on the southeast, on the east by the edges of the Lomitas (low hills) de las Pocitas, adjoining the water, and on the northeast and north by the

place of the Arroyo or Cañada de la Tasagera, the relative proceedings and investigations, pursuant to what is prescribed by law and regulation, having previously been complied with, in the exercise of the powers conferred upon me, in the name of the Mexican nation, I have thought fit to grant to them the tract referred to, (the place mentioned,) declaring the property (fee) of it to them by these presents, the said concession being understood to be in entire conformity to what is provided by the laws, subject to the approval of the most excellent Departmental Junta and of the Supreme Government, and under the following conditions:

1st. They may enclose it without injuring the crossings, roads, or servitudes; shall enjoy it freely and exclusively, devoting it to the use or cultivation that may be most suitable to them, but within one year shall build a house, and it shall be inhabited.

2d. When the property is confirmed to them, they shall apply to the proper judge to give them judicial possession in virtue of this patent, by whom shall be designated the boundaries, at the limits of which they put, in addition to the monuments (land marks) some fruit or forest trees of some utility.

3d. The land which is granted them is of the extent shown by the map belonging to the espediente, with it respective limits; the judge who shall give the possession shall have it measured according to ordinance to (in order to) designate the boundaries, leaving the surplus which remains to the nation for its convenient uses.

4th. If they shall contravene these conditions, they shall lose their right to the land, and it will be denouncable by another.

Wherefore, I order that these presents, serving them for title, and being held firm and valid, be registered in the proper book, and delivered to the parties in interest for their safeguard and other purposes.

Given at Monterey, the tenth of April, one thousand eight hundred and forty.

ALVARADO.

MAN'L JIMENO, *Sec'y of the Office.*

This patent is registered in the corresponding book, in folio three, in testimony whereof, I sign this.

JIMENO.

His excellency, the governor, has directed that this patent be registered in the prefecture of the first district.

JIMENO.

Registered in folio 6, and marked with the number 9, in the proper book belonging to the archives of the secretary's office of the prefecture of the 1st district.

San Juan de Castro, 24th October, 1840.

FRAN'CO C. ARCE,
Sec'y ad interim.

(Translation of paper forming part of document H. H., No. 1, annexed to the deposition Manuel Jimeno.)

Third seal. Three bits.

Furnished provisionally by the maritime custom-house of the port of Monterey, in the Department of the Californias, for the years 1840 and 1841.

ALVARADO.

ANTONIO MARIA OSIO.

[AD'A MARIT'A DE MONT'Y. Juan B. Alvarado, Constitutional Governor of the Department of the Californias.

The most excellent Departmental Junta, in its session of the 22d of May, of the present year, 1840, approved the proposition of the committee of agriculture, which appears in the espediente concerning the land called Valle de San José, adjudicated to Don Antonio Maria Pico, Don Antonio Suñol, Don Agustin Bernal, and Don Juan Bernal, the concluding article of which proposition says, thus :

" The concession made by the Departmental Government of date the 10th April, 1839, to Don Antonio Maria Pico, Don Antonio Suñol, Don Agustin Bernal, and Don Juan Bernal, of the place named 'El Valle,' is approved."

And in consequence of the decree of the 13th of June last, appearing in the espediente referred to, let these presents be delivered to the parties in interest for their security.

Monterey, August 4, 1840.

ALVARADO.

MAN'L JIMENO,
Sec'y of the Office.

(Translation of certificate on copy of map which accompanies the original grant. Document H. H., No. 1.)

I, the undersigned, Secretary of the Junta of the Department of the Californias, and temporarily in charge of the office of the government of the same, certify that the foregoing map is faithfully copied from its original in the proper espediente, by which were granted to the parties interested the leagues (sitios de ganado mayor) of land stated in the title, which was approved by the most exc't Junta, on the 22d of May, of the present year. This espediente is registered in the secretary's office, and to this I refer.

Monterey, October 20th, 1840.

JOSE Z. FERNANDEZ.

DISTRICT COURT OF THE UNITED STATES,
For the Northern District of California.

THE UNITED STATES
vs.
ANTONIO SUNOL ET ALS.

The foregoing is a correct translation of the several papers

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named in the margin, and which form part of the record in this case, and it is agreed that the same may be now filed, as of the 1st May, 1855.

December 12th, 1855.

A. GLASSELL,
Ass't U. S. Att'y.
A. P. CRITTENDEN,
Att'y for Claimants.

(Endorsed:) Filed December 12th, 1855. John A. Monroe, clerk. By W. H. Chevers, deputy.

Opinion by his Honor Judge Ogden Hoffman.

THE UNITED STATES
vs.
ANTONIO SUNOL ET AL.

The claim in this case was unanimously confirmed by the board of commissioners.

Its validity was proved by the production of the original grant and of the expediente from the archives. The expediente also shows that the grant was registered in the secretary's office, and also by order of the Govornor, in the office of the prefecture of the first district. Both the expediente and the grant produced by the claimant contain the certificate of registry, and of the approval of the grant by the Departamental Assembly.

The evidence shows a substantial compliance with the conditions; and the boundaries and extent of the granted land are clearly indicated by the description in the grant and the delineations on the map.

No objection to the confirmation of this claim having been made by the district attorney, we do not deem it necessary to recapitulate at length the preliminary proceedings before the Governor, nor to refer particularly to the evidence by which its validity has been established.

A decree affirming the decision of the board must therefor be entered.

Decree.

IN THE DISTRICT COURT OF THE UNITED STATES,
For the Northern District of California.

THE UNITED STATES, Appellants,
vs.
ANTONIO SUNOL, JUAN BERNAL, and AGUSTIN BERNAL, Appellees.

No. 102. Decree.
Stated term, January 14th, 1856.

Appeal from the final decision of the Commissioners to ascertain and settle private land claims in the State of California.

This cause came on to be heard at a stated term of this court, on

appeal from the final decision of the board of commissioners to ascertain and settle the private land claims in the State of California, under the act of Congress approved the 3d of March, A. D. 1851, upon the transcript of the proceedings and decision of the said board of commissioners, the papers and evidence on which said decision was founded, the petition of the appellants and answer of the appellees, and the further evidence in the cause taken in this court under the order of the court, and it appearing to the court that the said transcript has been duly filed according to law, and counsel for the respective parties having been heard, it is by the court ordered, adjudged, and decreed, that the said decision be, and the same is hereby, in all things, affirmed; and it is further ordered, adjudged, and decreed, that the claim of the appellees, the said Antonio Suñol, Juan Bernal, and Agustin Bernal, is a good and valid claim, and that the said claim is hereby confirmed to them in the proportion of their several and respective interests, to wit, to the said Antonio Suñol one undivided fourth part, to the said Juan Bernal one undivided half, and to the said Agustin Bernal one undivided fourth part of the land claimed by them, and hereby confirmed.

The land of which confirmation is hereby made is known by the name of "El Vallé de San José," and is bounded and described as follows, to wit, on the southeast by the Corralitos, on the east by the edges of the Lomitas of the Pocitas adjoining the water, and on the northwest and north by the place of the Arroyo or Cañada de la Tasagera; being the same land described in the grant and in the map which forms a part of the copy of the espediente, which appears in the transcript in this case, and is found on page marked 13 J. D. K. of said espediente; and for a more particular description of the land hereby confirmed, reference is made to the said grant and map.

OGDEN HOFFMAN, JR.,
U. S. Dist. Judge.

(Endorsed:) Filed January 14th, 1856. John A. Monroe, clerk. By W. H. Chevers, deputy.

Order granting appeal.

At a stated term of the district court of the United States of America for the northern district of California, held at the court-room, in the city of San Francisco, on Tuesday, the twenty-fourth day of March, in the year of our Lord one thousand eight hundred and fifty-seven—

Present, the honorable Ogden Hoffman, district judge.

THE UNITED STATES vs. ANTONIO SUNOL ET AL. } D. C. 102. L. C. 231.

In this case, on application of the United States attorney, made

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in open court, it is ordered by the court, that an appeal in behalf of the United States from the final decision of this court, rendered at the present term, be and the same is hereby granted; and that a certified transcript of the pleadings, evidence, depositions, and proceedings in the said cause be sent to the Supreme Court of the United States without delay.

(Endorsed:) Filed March 24th, 1857. John A. Monroe, clerk. By W. H. Chevers, deputy.

Order directing the filing of Mandate, &c.

At a stated term of the district court of the United States of America, for the northern district of California, held at the court room in the city of San Francisco, on Monday the third day of May, in the year of our Lord one thousand eight hundred and fifty eight—

Present: The Honorable Ogden Hoffman, District Judge.

THE UNITED STATES
vs.
ANTONIO SUNOL, JUAN BERNAL, AND AGUSTIN BERNAL. } No. 102: D. C.

And now at this day come the said claimants, Antonio Suñol, Juan Bernal, and Agustin Bernal by their attorney, A. P. Crittenden, and present the mandate of the Supreme Court of the United States dismissing the appeal made herein on behalf of the United States to the said Supreme Court, whereupon, and on motion of said claimants by their said attorney, it is ordered that said mandate be filed and made a part of the record of this court in this cause, and that the said claimants Antonio Suñol, Juan Bernal, and Agustin Bernal may proceed under the decree of this court, heretofore rendered in favor of the claim of said claimants, as under final decree.

OGDEN HOFFMAN,
U. S. Dis't Judge.

(Endorsed): Filed May 3d, 1858; W. H. Chevers, clerk.

Mandate.

UNITED STATES OF AMERICA, *ss*:

The President of the United States of America, to the Honorable the Judge of the district court of the United States, for the northern district of California, greeting: [SEAL.]

Whereas, lately, in the district court of the United States for the northern district of California, before you, in a cause between The United States, appellants, and Antonio Suñol, Juan Bernal,

and Augustin Bernal, appellees, wherein a decree was rendered in favor of the said appellees: whereupon the said appellants prayed an appeal, which was duly allowed by the said district court, to remove the said cause to the Supreme Court of the United States, as by the inspection of the transcript of the record of the said district court, which was brought into the Supreme Court of the United States agreeably to the act of Congress, and the rules of the said Supreme Court in such case made and provided, fully and at large appears:

And whereas, in the present term of December, in the year of our Lord one thousand eight hundred and fifty-seven, the said cause came on to be heard before the said Supreme Court, and it appearing that the said appellants have failed to have their cause filed and docketed, in conformity with the rules of this court, it is now here ordered and decreed by this court that this appeal from the district court of the United States for the northern district of California, be and the same is hereby docketed and dismissed, and that this cause be and the same is hereby remanded to the said district court, Jan. 11th:

You, therefore, are hereby commanded that such proceedings be had in said cause, as, according to right and justice, and the laws of the United States ought to be had, the said appeal notwithstanding.

Witness the Honorable Roger B. Taney, Chief Justice of said Supreme Court, the first Monday of December, in the year of our Lord one thousand eight hundred and fifty-seven.

WM. THO'S CARROLL,
Clerk of the Supreme Court of the United States.

(Endorsed:) Filed May 3d, 1858; W. H. Chevers, clerk.

Order granting Appeal.

At a stated term of the district court of the United States of America for the northern district of California, held at the court room, in the city of San Francisco, on Monday the first day of November, in the year of our Lord one thousand eight hundred and fifty-eight—

Present: The Honorable Ogden Hoffman, District Judge.

THE UNITED STATES
vs.
ANTONIO SUNOL, AGUSTIN BERNAL, AND JUAN BERNAL.
} D. C. 102: L. C. 231.

In this case, or application of P. Della Torre, esq., U. S. attorney, it is ordered by the court that an appeal, in behalf of the United States from the final decision of this court, rendered at the December term, 1855, be and the same is hereby granted, and that

a certified transcript of the pleadings, evidence, depositions, and proceedings in the said cause be sent to the Supreme Court of the United States without delay, and the appellants are ordered to serve the usual citation according to law.

OGDEN HOFFMAN,
Dis't Judge.

(Endorsed): Filed November 1st, 1858; W. H. Chevers, clerk.

Citation.

THE UNITED STATES OF AMERICA.

To Antonio Suñol, Agustin Bernal, and Juan Bernal, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden in Washington, on the first Monday in December next, pursuant to an order of appeal granted on the first day of November, A. D. 1858, by the district judge of the district court of the United States for the northern district of California, in a certain suit wherein the United States are plaintiffs and you are defendants, on appeal, to show cause, if any there be, why the decision in the said appeal mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

Witness my hand and seal at San Francisco, this first day of November, in the year of our Lord one thousand eight hundred and fifty-eight.
[SEAL.]

OGDEN HOFFMAN,
Dist. Judge.

UNITED STATES MARSHAL'S OFFICE,
Northern District of California.

I hereby certify that this citation was received on the 1st day of November, A. D. 1858, and that on the 2nd day of November, A. D. 1858, I served a copy personally on A. P. Crittenden, attorney for claimants, in the city of San Francisco, and at the same time exhibiting the within original citation in this cause, with the seal of the court thereon.

Dated San Francisco, November 2nd, 1858.

P. L. SOLOMON,
U. S. Marshal.
By JOHN H. WILLIAMS,
Deputy Marshal.

(Endorsed:) Filed November 2nd, 1858. W. H. Chevers, clerk.

I, W. H. Chevers, clerk of the district court of the United States for the northern district of California, do hereby certify that the